

REMARKS

The final Office Action dated October 18, 2005 has been received and its contents have been carefully considered. Reconsideration and withdrawal of the objections and rejections contained therein is respectfully requested, at least in view of the foregoing claim amendments and the following remarks.

Claims 1-3 and 17 have been cancelled without prejudice or disclaimer of the subject matter recited therein. Claim 7 has merely been placed in independent form and claims 9-11, 13, 16, 18, and 20-21 have been amended to change the dependencies thereof to previously allowed claim. Therefore, Applicants respectfully point out that no new matter has been added and that new issues have been raised. Upon entry of this Amendment, claims 4-16 and 18-35 will be pending in the present application.

*Rejection of Claims 1-3, 7, 9-12 and 18-21 Under 35 U.S.C. §102(e):*

Claims 1-3, 7, 9-12 and 18-21 have been rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Patent No. 6,876,305 B2 to Kadwell et al. (Kadwell '305). This rejection is respectfully traversed.

The cancellation of claim 1-3 and the amendments made to claims 9-11, 18, and 20-21 directly addresses the Examiner's comments related to claims 1-3, 9-12, and 18-21 and renders the rejection of these claims under 35 U.S.C. §102(e) over Kadwell '305 moot.

As illustrated in FIG. 2A thereof, Kadwell'305 discloses an obscuration sensor 200 that implements five non-planar mirrors 202, 204, 206, 208, 210 (see also, column 12, lines 36-38). Applicants also acknowledge that Kadwell'305 also discloses that an obscuration emitter 212 is

located within a test chamber 220 and that the obscuration emitter 212 is preferably placed at an eighteen degree angle to the horizontal centerline of the mirror 202 (column 12, lines 42-45).

However, Kadwell'305 fails to disclose at least that, "one of the first and second light reflecting surfaces includes a pair of openings, the light beam emitted by the light source propagating through one of the pair of openings and the light beam received by the light detector after incidence on the first and second light reflecting surfaces propagating through the other one of the pair of openings," as recited in claim 7 of the present Application.

In the Office Action, it is alleged that item 27 in FIG. 1B of Kadwell'305 corresponds to the, "first and second light reflecting surfaces," recited in claim 7 of the present Application. It is further alleged that items 31A and 31B in FIG. 1B of Kadwell'305 correspond to the, "pair of openings," recited in claim 7.

In response to the above allegations, Applicants point out that claim 7 specifically recites that, "one of the first and second light reflecting surfaces *includes* a pair of openings" (emphasis added). FIG. 1B of Kadwell'305, on the other hand, discloses an optical element assembly 27 and a separate printed circuit board (PCB) 25 that includes holes 31A and 31B. As such, optical element assembly 27 does not include holes 31A and 31B and claim 7 is patentable over Kadwell'305 at least for this reason.

At least in view of the above claim amendments and remarks, reconsideration and withdrawal of the rejection of claims 1-3, 7, 9-12 and 18-21 under 35 U.S.C. §102(e) as being anticipated by Kadwell '305 is respectfully requested.

Rejection of Claims 13 and 16-17 Under 35 U.S.C. §103(a):

Claims 13 and 16-17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kadwell '305, as applied to claim 1, and further in view of U.S. Patent 3,748,014 to Beiser (Beiser '014). The cancellation of claim 17 and the amendment of claims 13 and 16 to make them each depend upon a previously-allowed claim directly addresses the Examiner's comments and renders the rejection of each of these claims under 35 U.S.C. §103(a) over Kadwell '305 in view of Beiser '014 moot.

At least in view of the above claim cancellation and amendments and remarks, reconsideration and withdrawal of the rejection of claims 13 and 16-17 under 35 U.S.C. §103(a) as being unpatentable over Kadwell '305 in view of Beiser '014 is respectfully requested.

Allowable Subject Matter:

Applicants thank the Examiner for allowing claims 4-6, 8, 15, and 22-35. Applicants also thank the Examiner for acknowledging the claim 14 would be allowable if rewritten in independent form. Since claim 14 depends upon claim 13, Applicants respectfully submit that the above amendment of claim 13 directly addresses the Examiner's comments and renders the objection to claim 14 moot. At least in view of the above amendment of claim 14, reconsideration and withdrawal of the objection thereto is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicants submit that the application is now in condition for allowance. If the Examiner believes that the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned by

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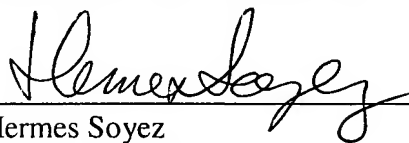
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telephone at (202) 861-1716 if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not time filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 referring to 87319.4561.

Respectfully submitted,

BAKER & HOSTETLER LLP

A handwritten signature in dark ink, appearing to read 'Hermes Soye', is written over a horizontal line.

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